

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LINDA BARBERA,

Plaintiff,

v.

Case Number 11-13265
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, AND REMANDING THE DECISION OF
THE COMMISSIONER**

United States Magistrate Judge Laurie J. Michelson issued a report and recommendation (ECF No. 19) on June 5, 2012, recommending that the Court grant in part and deny in part Plaintiff's motion for summary (ECF No. 15), deny Defendant's motion for summary judgment (ECF No. 18), and that, pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the Commissioner be remanded. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Michelson's report and recommendation (ECF No. 19) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment (ECF No. 11) is **GRANTED IN PART AND DENIED IN PART**.

It is further **ORDERED** that the Defendant's motion for summary judgment (ECF No. 12) is **DENIED**.

It is further **ORDERED** that the decision of the Commissioner is **REMANDED** for further consideration of Plaintiff's application for Disability Insurance Benefits in accordance with the guidance provided by Judge Michelson's report and recommendation (ECF No. 16).

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 25, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 25, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS